

Regular Session, 2009

SENATE BILL NO. 214

BY SENATOR MORRISH

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

INSURANCE CLAIMS. Authorizes the commissioner of insurance to extend the time period within which to process certain claims arising from a declared emergency or disaster.
(8/15/09)

AN ACT

To amend and reenact R.S. 22:1894, relative to insurance; to authorize the commissioner of insurance to extend the time period for the filing of certain claims on policies covering damage that occurs during certain declared emergencies or disasters ; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:1894 is hereby amended and reenacted to read as follows:

§1894. Filing claims; extension for claims arising from ~~hurricane activity~~ **certain declared emergencies or disasters; authority of the commissioner**

~~A. Notwithstanding any other provision of this Title to the contrary, any person or entity having a claim for damages pursuant to a~~ **The commissioner of insurance may promulgate a rule extending the time period for filing claims under any** homeowners' insurance policy, personal property insurance policy, tenant homeowners' insurance policy, condominium owners' insurance policy, or commercial property insurance policy, ~~and resulting from Hurricane Katrina shall have through September 1, 2007,~~ **when the claim arises from a presidentially declared emergency or disaster or a gubernatorially declared emergency or**

1 ~~**disaster**~~ within which to file a claim with their insurer for damages, unless a greater
 2 time period to file such claim is otherwise provided by law or by contract. **Nothing**
 3 **in this Section shall supersede the application of a greater time period to file a**
 4 **claim as may be provided in the insurance contract.**

5 B. ~~Notwithstanding any other provision of this Title to the contrary, any~~
 6 person or entity having a claim for damages pursuant to a homeowners' insurance
 7 policy, personal property insurance policy, tenant homeowners' insurance policy,
 8 condominium owners' insurance policy, or commercial property insurance policy,
 9 and resulting from Hurricane Rita shall have through October 1, 2007, within which
 10 to file a claim with their insurer for damages, unless a greater time period to file such
 11 claim is otherwise provided by law or by contract.

The original instrument and the following digest, which constitutes no part
 of the legislative instrument, were prepared by Thomas L. Tyler.

DIGEST

Present law provides that any person or entity with a claim for damages under a homeowners' insurance policy, personal property insurance policy, tenant homeowners' insurance policy, condominium owners' insurance policy, or commercial property insurance policy, resulting from Hurricane Katrina had until September 1, 2007 within which to file an insurance claim unless a greater period to file was provided by law or by contract. Provides that those with claims resulting from Hurricane Rita had until October 1, 2007.

Proposed law deletes these specific dates as to hurricanes Katrina and Rita and authorizes the commissioner of insurance to promulgate a rule extending the time period for filing claims which arise from a presidentially declared emergency or disaster or a gubernatorially declared emergency or disaster.

Provides that nothing in proposed law supersedes application of a greater time period to file a claim as provided in the insurance contract.

Effective on August 15, 2009.

(Amends R.S. 22:1894)